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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,793

03/23/2005

Toru Miyano

MTS-3553US

6226

52473

7590

12/17/2010

RATNERPRESTIA

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VALLEY FORGE, PA 19482

EXAMINER

ADEGEYE, OLUWASEUN

ART UNIT

PAPER NUMBER

2481

MAIL DATE

DELIVERY MODE

12/17/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/528,793

Applicant(s)

MIYANO, TORU

Examiner

OLUWASEUN A. ADEGEYE

Art Unit

2481

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 November 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1 - 13.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Peter-Anthony Pappas/
Supervisory Patent Examiner, Art Unit 2481

12/10/2010
/O.A./

Continuation of 11. does NOT place the application in condition for allowance because:

In re pages 9 and 10, applicants disclose that none of the cited references discloses storing a flag indicating one of two modes: the first mode being a disk start disabling mode where there is power applied to the processing section but no power applied to the disk section; the second mode being a disk start enabling mode where there is power applied to both the processing section and the disk section.

In response, the examiner respectfully disagrees. First of all, the Choi reference discloses selecting between two different modes. The first mode being the normal mode and the second being the power saving mode (see column 6, lines 4 - 8. ".....a mode selection window display 80 for selecting a power mode (that is, power saving mode or normal mode....."). The examiner interprets the normal mode of Choi to be equivalent to the disk section enabling mode of the invention because both modes apply power to both the processing section and the disk section (see column 7, lines 8 - 12 of Choi ".....the power mode is automatically changed to the normal mode in which power is supplied to the CPU...."). The CPU is the processing section also see column 7, lines 16 - 125 " In the normal mode , all the hardware of the computer system, including the CPU 10 is operated in a normal manner..... However, if the power mode is converted to the power saving mode by the control part 55, all of the jobs done up to that time are saved in the hard disk drive 50 and then the monitor 40, the hard disk drive 50, and the CPU 10 are turned off.....". From the above cited column it can be seen that during the normal mode, power is applied to both the CPU (processing section) and all other parts of the computer system but during the power saving mode, there is no power applied to both the processing section and the disk section. The only difference between the Choi reference and the invention is that the power saving mode of Choi is different from the disk start disabling mode of the present invention in that in the present invention power is applied to the processing section but no power is applied the disk section unlike in Choi where there is no power in both sections. The examiner brings in the Lee reference to cure this deficiency. The Lee reference teaches a power down mode of saving power where the power connected to the disk section is turned off but there is still power in other sections of the computer system such as the processing section (see [017] and [018]. "....after MCU 1 is idle for a period of time, a control chipset performs a power down mode procedure to turn off 5V power connected to the drive...." - [017]) and (".....MCU 1 enters a power-down mode because the power connected to the CD/DVD drive is turned off...." - see [018]). Therefore the Choi reference teaches the disk start enabling mode whereas the Lee reference teaches the disk start disabling mode and there combination will arrive at the present invention.